

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TYRONE HURT,	:	Case No. 1:14-cv-214
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
ELEVEN (11) FEDERAL CIRCUITS OF	:	
THIS NATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY ADOPTING
THE REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE (Doc. 3)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio, Western Division, to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on March 19, 2014, submitted a Report and Recommendation. (Doc. 3). The Report and Recommendation was served on Plaintiff on March 21, 2014, and any objections to it were due on or before April 7, 2014. (Doc. 3 at 4; Doc. 5). On March 27, 2014, Plaintiff filed what is captioned as a motion for leave to appeal *in forma pauperis* and the appointment of counsel, but which also substantively objects to the Report and Recommendation on the basis that it is an unconstitutional abuse of discretion. (Doc. 4). The Court construes this filing as objections to the Report and Recommendation.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the relevant filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 3) is **ADOPTED**;
2. Plaintiff's Complaint (Doc. 1) is **DISMISSED** with prejudice;
3. The Court certifies pursuant to 28 U.S.C. § 1915(a) that for the reasons stated in the Report and Recommendation, an appeal of this Order would not be taken in good faith and Plaintiff is therefore **DENIED** leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999) (overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997)); and
4. All other relief requested in Plaintiff's motion for leave to appeal *in forma pauperis* and the appointment of counsel (Doc. 4) is **DENIED** as moot and/or premature.

IT IS SO ORDERED.

Date: 4/11/14

/s/ Timothy S. Black
Timothy S. Black
United States District Judge